

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA,

Plaintiff,

v.

NOVA CONTRACTING, INC., a
Washington corporation; JORDAN M.
OPDAHL and JILL M. OPDAHL, and the
marital community comprised thereof,

Defendants.

NO. 3:20-cv-05164-JLR

ORDER GRANTING MOTION
FOR ATTORNEYS FEES AND
COSTS

JLR

THIS MATTER having come before this Court on plaintiff, Travelers Casualty and Surety Company of America (“Travelers”) Motion for Attorneys’ Fees and Costs, and the Court having reviewed Plaintiff’s Motion and the supporting Declaration of Christopher A. Wright and exhibits thereto, and having considered the files and records herein, orders as follows.

1. Applicable Legal Principles.

A contract provision allowing fees to a party enforcing the instrument “makes an award of attorney fees to the prevailing party mandatory under RCW 4.84.330.” *Transpac Dev., Inc. v. Oh*, 132 Wn. App. 212, 217, 130 P.3d 892, 894 (2006). In addition to fees incurred for legal work performed by attorneys, a party may recover fees incurred for legal work performed by paralegals/legal assistants. *Absher Const. Co. v. Kent School Dist. No. 415*, 79 Wn. App. 841, 917 P.2d 1086 (1995).

ORDER GRANTING MOTION FOR ATTORNEYS FEES AND
COSTS – 1

Recovery is also allowed for reasonable attorneys' fees and costs incurred in preparing an application for an award of attorneys' fees and costs. *Steele v. Lundgren*, 96 Wn. App. 773, 781-82, 982 P.2d 619 (1999).

In awarding attorneys' fees and costs, Washington courts generally follow the "lodestar" method, which examines both the hours included and the rates charged in the fee request. *See Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d 581, 675 P.2d 193 (1983). The "lodestar" hourly method examines the total number of hours reasonably expended multiplied by the reasonable hourly rate of compensation:

The trial court must determine the number of hours reasonably expended in the litigation. To this end, the attorneys must provide reasonable documentation of the work performed. This documentation need not be exhaustive or in minute detail, but must inform the court, in addition to the number of hours worked, of the type of work performed and the category of attorney who performed the work (i.e., senior partner, associate, etc.).

Id. at 597 (citations omitted). However, the determination of a fee award "should not become an unduly burdensome proceeding for the court or the parties. An explicit hour-by-hour analysis of each lawyer's time sheets is unnecessary as long as the award is made with a consideration of the relevant factors and reasons sufficient for review are given for the amount awarded." *Absher Constr. Co. v. Kent School Distr. No. 415*, 79 Wn. App. at 848, 917 P.2d 1086. Courts are encouraged to create a "simple table" to summarize their calculation of the lodestar figure. *Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d at 597-598, 676 P.2d 193.

2. Findings of Fact.

a. Hourly Rates.

Travelers was represented by Carney Badley Spellman, P.S. ("Carney"). The hourly rates Carney charged were reasonable given the skill, experience, and expertise of the lawyers involved.¹

¹ Declaration of Christopher Wright (Wright Decl.), ¶5.

b. Calculation of Lodestar Fee Amount.

Travelers has requested a Lodestar fee amount consisting of the following hours of work performed:

TIMEKEEPER	RATE	HOURS	FEES
Christopher Wright	\$350	13.3	\$4,655.00
Ceslie Blass	\$250	11.7	\$2,925.00
Lana Ramsey	\$150	1.2	<u>\$ 180.00</u>
Total:			\$7,760.00 ²

Travelers' counsel have submitted detailed contemporaneous records to support Travelers' fees request. The Court has reviewed the declarations of counsel submitted in support of Travelers' Motion in light of the Lodestar fee method described in *Bowers v Transamerica Title Ins. Co.*, 100 Wn.2d 581, 597, 675 P.2d 193 (1983), as well as the other cases cited in Travelers' Motion and herein and the criteria stated in RPC 1.5. The Court finds:

i. The legal work performed by Travelers' counsel and legal team was necessary and reasonable in light of the circumstances and facts of the case.

ii. The Lodestar fee amount Travelers has requested, as reflected in Exhibit 1 to the Wright Decl., is reasonable and commensurate with those lawyers' respective levels of expertise and ability with comparably situated lawyers in the Seattle area.

c. Necessary Costs.

Travelers requests \$712 in costs incurred to file the action and have Defendants served. These costs were necessary and reasonable.

3. Conclusions of Law.

Based on the evidence the parties presented in connection with Travelers' Motion, the Court makes the following conclusions of law:

² Wright Decl., Exhibit 1.

i. Where the parties' contract provides for an award of attorneys' fees, such an award is mandatory under RCW 4.84.330.

ii. Where the parties' contract provides for an award of costs, those costs are not limited to those set forth in RCW 4.84.010 and 4.84.030.

iii. The General Agreement of Indemnity entered by the Defendants entitles Travelers to the recovery of attorneys' fees and costs in the action concerning enforcement of the agreement.

iv. Travelers' attorneys' fees and costs were reasonable given the needs of the case, the issues presented, the amount at stake, and the results obtained.

4. Order.

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED AND DECREED that: Plaintiff Travelers' Motion for Attorneys' Fees and Costs is GRANTED. These amounts are as follows:

Attorneys' Fees:


TIMEKEEPER	RATE	HOURS	FEES
Christopher Wright	\$350	13.3	\$4,655.00
Ceslie Blass	\$250	11.7	\$2,925.00
Lana Ramsey	\$150	1.2	\$ 180.00
			\$7,760.00
<u>Fee Motion Preparation (unbilled):</u>			
Ceslie Blass	\$250	4.7	\$1,175.00

Necessary Costs:

\$ 712.00

Total Award: \$9,647.00

SO ORDERED this 28th day of October, 2020.


Honorable James L. Robart

ORDER GRANTING MOTION FOR ATTORNEYS FEES AND
COSTS – 4